

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DOUGLAS JANESE, et al.,

Plaintiffs,

v.

DAVID FAY, et al.,

Defendants.

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**CASE MANAGEMENT ORDER**

**09-CV-593(V)**

1. In accordance with Section 2.1 of the Plan for Alternative Dispute Resolution,<sup>1</sup> this case has been referred to mediation.

2. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished no later than **May 31, 2016**.

3. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than **May 11, 2016**.

4. All motions to join other parties and to amend the pleadings shall be filed no later than **July 27, 2016**.

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<sup>1</sup> A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

5. The initial mediation session shall be held no later than **June 10, 2016**.
6. All fact depositions shall be completed no later than **October 28, 2016**.
7. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **November 30, 2016**. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **December 16, 2016**.
8. All expert depositions shall be completed no later than **January 31, 2017**.
9. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of a bonafide discovery dispute that cannot be resolved by counsels' good faith efforts (see *generally* Federal Rule of Civil Procedure 37 and Local Rule 7(d)(4)), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by a letter the statement of facts and law it wishes the Court to consider. The Court may request further or full briefing by the parties.

10. All discovery in this case shall be completed no later than **January 31, 2017**.

11. Dispositive motions shall be filed by all parties no later than **February 28, 2017**. See *generally* Local Rule 7; 56.

12. Mediation sessions may continue in accordance with Section 5.11 of the ADR Plan until **February 28, 2017**. The continuation of mediation sessions shall not delay or defer other dates set forth this Case Management Order.

13. Modification or extension of the dates set forth in this Case Management Order are strongly discouraged. Extensions will be considered only for meritorious reasons.

14. Sanctions: Counsels' attention is directed to Fed.R.Civ.P. 16(f) making sanctions available if any party or its counsel fails to comply with any direction of this Court.

**SO ORDERED.**

DATED: Buffalo, New York  
April 27, 2016

s/ Lawrence J. Vilardo  
LAWRENCE J. VILARDO  
United States District Judge